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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 DARRELL ALAN PETERSON,)
18 Defendant.)
19

No. CR 05-00148 PJH

**STIPULATION AND ~~PROPOSED~~
ORDER VACATING TRIAL DATE**

20 The above-captioned matter is set for jury trial on October 24, 2005, and pretrial
21 conference on October 12, 2005. The defendant is represented by Joshua Cohen and the
22 government is represented by Jeffrey Finigan, Assistant United States Attorney. The parties
23 agree and stipulate that it is anticipated that the defendant will change his plea to guilty pursuant
24 to a draft Plea Agreement, which was submitted to the Court on September 26, 2005. In light of
25 the anticipated plea and in order to conserve the Court's and attorneys' resources and avoid
26 unnecessary trial preparation, the parties respectfully request that the Court vacate the trial date
27 and keep this matter on calendar for October 12, 2005 at 1:30 p.m., or any other date convenient
28 to the Court, for change of plea.

STIPULATION & ORDER TO VACATE TRIAL
CR 05-00148 PJH

1 In the unlikely event the defendant does not change his plea as anticipated on October 12,
2 2005, or whatever other date is chosen by the Court, 54 days will remain on the speedy trial clock
3 pursuant to 18 U.S.C. § 3161(c)(1), which will allow sufficient time to reschedule the trial, if
4 necessary. As of September 26, 2005, 16 days have elapsed pursuant to § 3161(c)(1). Pursuant
5 to § 3161(h)(1)(I), the submission of the draft plea agreement tolls the speedy trial clock while
6 the Court considers the plea agreement. Accordingly, the parties respectfully make the request
7 herein.

8
9 Dated: 9/26/05

/s/

JOSHUA COHEN
Attorney for Defendant

12 KEVIN V. RYAN
13 United States Attorney

14
15 Dated: 9/26/05

/s/

JEFFREY R. FINIGAN
Assistant United States Attorney

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18 Pursuant to the parties' Stipulation and for good cause, the Court hereby **ORDERS** that
19 the trial date of October 24, 2005, is VACATED and the matter is continued to October 12,
20 2005, at 1:30 p.m. for change of plea.

21
22 DATED: 9/27/05



PHYLLIS J. HAMILTON
UNITED STATES DISTRICT COURT JUDGE